

**To:** Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]  
**From:** Hurl, Kathy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** Fri 9/21/2018 5:42:43 PM (UTC)  
**Subject:** FW: Head's up: Wheeler 404G Gov and Tribal Letters are getting autopenned shortly.  
[404 Governors.pdf](#)  
[Governors Murphy and Snyder.pdf](#)  
[Honorable Leaders.pdf](#)  
[Steps for Administering the Clean Water Act 404 Program by a State \(005\).docx](#)

Mindy,

Huge thanks to OW, and the 404(g) team here in OWCD for penning and processing these letters. Attached for sending to the regions are the auto-penned letters from Wheeler to the Governors and Tribes. Also below is a draft e-mail to send out to the regional managers and the wetlands program staff.

- Kathy

Dear Regional Managers and Staff:

As discussed on the regional call yesterday, Acting Administrator Wheeler is sending a letter to all the governors and tribal leaders regarding EPA's efforts to facilitate assumption of the 404 permitting program. The letters mention the Army memo on Retained Waters sent in August of 2018, EPA's FACA on assumable waters, EPA's rule making effort that is underway, and notice that we intend to hold input meetings with the states and tribes this fall. These letters are currently being stuffed into envelopes for mailing.

Please ensure your management and staff are aware these letters are going out as they may receive inquiries about the letter or the rulemaking. If you have any questions, please feel free to contact myself or Michael McDavit about this effort. If you have specific questions about the 404(g) update rule making effort, please contact Kathy Hurl ([hurl.kathy@epa.gov](mailto:hurl.kathy@epa.gov)) or Ruth Chemreys ([chemreys.ruth@epa.gov](mailto:chemreys.ruth@epa.gov)) who are co-leading the regulatory workgroup.

Thank you,

Mindy Eisenberg

Attachments:

1. Letter to Governor Ivey of Alabama. This is attached as an example of the letter sent to each governor with the exception of MI and NJ - their letter need to be tailored to reflect their administration of CWA 404(g).
2. Letter to Tribal Leaders
3. Letter to Governor's Snyder and Murphy of MI and NJ respectively
4. The attachment outlining the basics of the process and requirements to assume the program.